

HFI-35

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Food and Drug Administration

m2513N

Refer to: CFN 1120669

Baltimore District
900 Madison Avenue
Baltimore, Maryland 21201
Telephone: (410) 962-4040

March 5, 1999

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ben R. Lacey, III, President
Linden Beverage Co., Inc.
4675 John Marshall Highway
Linden, Virginia 22642

Dear Mr. Lacey:

During an inspection of your Linden, Virginia facility conducted on January 13, 1999 by a representative of the Virginia Department of Agriculture and Consumer Services, under contract with the Food and Drug Administration (FDA), labels of your products were collected for review. We have determined that the [REDACTED] Sparkling Cider and [REDACTED] Apple Juice packaged by your firm are misbranded, in that they fail to bear nutrition labeling, as required under Section 403(q)(1) of the Federal Food, Drug, and Cosmetic (FD&C) Act and Title 21, Code of Federal Regulations, (CFR) Part 101.9. These products are not exempted from this requirement under Section 403(q)(5) of the FD&C Act, and have been labeled on or after August 8, 1994.

The above violations concern certain current labeling requirements and are not meant to be an all-inclusive list of deficiencies. Other labeling violations can subject the food to legal action. It is your responsibility to assure that all of your products are labeled in compliance with all applicable regulations enforced by the FDA. Enclosed is a copy of "A Food Labeling Guide" for your reference.

You must notify this office in writing, within 15 working days of receipt of this letter, of the specific steps you have taken to correct the noted violations, along with a copy of the revised label. If corrective action cannot be completed within 15 days, state the reason for the delay and the time within which the corrections will be completed. Further violations may result in regulatory action such as seizure, injunction, and/or prosecution.


Mr. Ben R. Lacey, III

Page 2

March 5, 1999

Your reply should be sent to the Food and Drug Administration, Richmond Resident Post, 10710 Midlothian Turnpike, Suite 424, Richmond, Virginia 23235, to the attention of Scott J. MacIntire, Compliance Officer. If you have any questions regarding this letter, Mr. MacIntire may be reached at 804-379-1627, extension 14.

Sincerely,


ELAINE KNOWLES COLE
Director, Baltimore District

Enclosure

cc: Virginia Department of Agriculture & Consumer Services
Division of Food Inspection
P.O. Box 1163
Richmond, Virginia 23218